

FEDERAL ELECTION COMMISSION 2011 NOV 23 PM 3: 19
999 E Street, N.W.
Washington, D.C. 20463

CELA
SENSITIVE

FIRST GENERAL COUNSEL'S REPORT

Pre-MUR 525
DATE SUBMITTED: 08/05/11
DATE ACTIVATED: 10/26/11

EXPIRATION OF SOL: 02/1/07 - 03/15/15

SOURCE:

Sua Sponte Submissions

RESPONDENTS:

Professional Fire Fighters of Wisconsin

Individual Executive Board Officers
Joining in Submission

Tracy Aldrich
Robert G. Baird
Michael Drury
Richard F. Gale
John C. Gee
Troy W. Haase
Lance A. Hanson
Patrick Kilbane
Len Orlando
Michael J. Woodzicka

Individual Executive Board Officer
Making Separate Submission
Ann Watzka f/k/a Ann Peggs

RELEVANT STATUTES
AND REGULATIONS:

2 U.S.C. § 441b(a)
2 U.S.C. § 441f
11 C.F.R. § 110.4(b)(i) - (iii)
11 C.F.R. § 114.2(b), (e)

INTERNAL REPORTS CHECKED:

FEC Database

FEDERAL AGENCIES CHECKED:

None

I. INTRODUCTION

The Professional Fire Fighters of Wisconsin ("PFFW"), the statewide affiliate of the
International Association of Fire Fighters ("IAFF"), filed a *sua sponte* submission

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1 ("Submission") stating that it reimbursed eleven of its officers for \$18,263.34 in contributions to
2 IAFF's separate segregated fund, International Association of Firefighters Interested in
3 Registration and Education PAC ("FIREPAC") between 2002-2010. Ten of the eleven former
4 PFFW Executive Board officers who received the unlawful reimbursements joined in PFFW's
5 Submission, and the remaining former Executive Board officer, Ann Watzka (f/k/a Ann Peggs),
6 provided a separate submission ("Watzka Submission").¹

7 PFFW reimbursed the FIREPAC contributions in two ways. Between 2002 and 2008,
8 with the authorization of the full Executive Board, PFFW reimbursed eleven officers for
9 \$16,888.34 in FIREPAC contributions via claims they submitted for expenses related to fictitious
10 "legislative meetings" in Madison, Wisconsin. Submission at 6-7. In 2009 and 2010, after the
11 fictitious "legislative meetings" scheme ended, without the knowledge of the full Executive
12 Board, PFFW reimbursed three officers for \$1,375 in FIREPAC contributions via claims they
13 submitted for expenses related to conference registration fees that they never actually paid.

14 PFFW represents that it has 1) obtained repayments of all known amounts of the
15 unlawfully reimbursed contributions; 2) notified its regional caucus and local unions about the
16 improper expense payment practices; 3) notified FIREPAC of the unlawful reimbursements; and
17 4) obtained the resignations of remaining Executive Board officers who received unlawful
18 contribution reimbursements. PFFW and the individual respondents request that the
19 Commission use either the Fast Track Resolution Process ("FTR") or Alternative Dispute
20 Resolution ("ADR") to resolve the matter. As most of the violations appear to be knowing and

¹ Although PFFW's Submission refers to the respondent as Ann Peggs, her separate submission states she is now known as Ann Watzka. See Watzka Submission. While PFFW states that Ms. Watzka refused to join in its submission, the Watzka Submission suggests that after initial contacts in 2010 and early 2011 to obtain relevant facts and obtain repayment of a prior reimbursement, PFFW's counsel did not respond to a letter from Ms. Watzka's newly retained counsel, and never invited Ms. Watzka to join the PFFW submission. Watzka Submission at p. 2.

willful, the matter is not eligible for FTR or ADR. *See Policy Regarding Self-Reporting of Campaign Finance Violations (Sua Sponte Submissions)*, 72 Fed. Reg. 16,695, 16,698 (Apr. 5, 2007).

We recommend that the Commission open a Matter Under Review, make knowing and willful reason to believe findings as to the 2002-2008 reimbursements, make non-knowing and willful reason to believe findings as to the 2009-2010 reimbursements, authorize pre-probable cause conciliation with all respondents,

Specifically, we recommend that the Commission find reason to believe that:

- 1) PFFW knowingly and willfully violated 2 U.S.C. §§ 441b(a) and 441f; and 11 C.F.R. §§ 110.4(b)(i) and 114.2(b) by using prohibited labor union general treasury funds to make contributions in the names of others from 2002 and 2008;
- 2) Executive Board officers Aldrich, Baird, Drury, Gale, Gee, Haase, Hanson, Kilbane, Orlando, Watzka, and Woodzicka knowingly and willfully violated 2 U.S.C. §§ 441b(a) and 441f; and 11 C.F.R. §§ 110.4(b)(ii), (iii) and 114.2(e) by consenting to the use of prohibited labor union general treasury funds to make contributions in the names of others, by permitting their names to be used to make contributions in the names of others, and by knowingly helping or assisting PFFW in the making of contributions in the names of others from 2002 to 2008;
- 3) PFFW violated 2 U.S.C. § 441b(a) and 441f and 11 C.F.R. §§ 110.4(b)(i) and 114.2(b) by using prohibited labor union general treasury funds to make contributions in the names of others from 2009 to 2010; and
- 4) Executive Board officers Baird, Gee, and Hanson violated 2 U.S.C. §§ 441b(a) and 441f and 11 C.F.R. §§ 110.4(b)(ii), (iii) and 114.2(e) by consenting to the use of prohibited labor union general treasury funds to make contributions in the names of others, by permitting their names to be used to make contributions in the names of others, and by knowingly helping or assisting PFFW in the making of contributions in the names of others from 2009 and 2010.

1 **II. FACTUAL SUMMARY**

2 **A. 2002-2008 Reimbursements**

3 PFFW is governed by an eleven officer Executive Board, all of whom are full-time
4 firefighters. They are elected to staggered three-year terms at annual IAFF/PFFW state
5 conventions. Submission at 3. During a January 2002 leadership retreat, PFFW's then existing
6 Executive Board encouraged its officers to increase their FIREPAC contributions to a level that
7 would ~~at~~ allow them to attend the IAFF annual conference without paying a registration fee.
8 *Id.* When some Executive Board officers expressed concern about their ability to afford larger
9 contributions to FIREPAC, the Executive Board agreed that "any officer who made such a
10 contribution in order to attend the legislative conference would be able to submit an expense
11 statement to the PFFW for two administrative days to be characterized as a 'legislative meeting'
12 in Madison [Wisconsin]." ² *Id.* at 6-7. PFFW states that the "legislative meeting" contrivance
13 was adopted in order to reduce, if not eliminate, the financial burden to Board members who
14 made the larger contributions to FIREPAC instead of paying the registration fee to IAFF. *Id.* at
15 7. During similar retreats held during January or February of each successive year - with the
16 exception of 2004 when the topic was apparently not raised - PFFW designated similar
17 "legislative meeting" dates as a vehicle for the reimbursement of that year's FIREPAC
18 contributions by Executive Board officers. ³ *Id.* at 7.

19 PFFW asserts that the 2002 retreat was the first and last time that its Executive Board
20 discussed this repayment practice in any depth, and the practice continued until 2008, "without

² Baird, Drury, Gale, Gee, Hanson, Kilbane and Orlando were Executive Board officers at the time the unlawful reimbursement scheme was created, and Gale was the president. See Baird, Drury, Gale, Gee, Hanson, Kilbane and Orlando Declarations.

³ Although there were no designated "legislative meeting" dates in 2004, and therefore no reimbursements for contributions, the omission was noted at the 2005 retreat and the officers agreed to designate three days, rather than the customary two days, of "legislative meetings" in 2005 to compensate for the 2004 omission. Submission at 7.

1 legal review or operational analysis.” *Id.* at 7. According to the declarations of the Executive
2 Board officers, none of them considered the legal ramifications of the reimbursement program
3 under the Act, or other laws, and most, if not all, of those who participated in the 2002 retreat
4 had not seen IAFF or FIREPAC materials advising not to seek reimbursement for contributions
5 in connection with attendance at the legislative conference.⁴ *Id.* at 7; *see also* Declarations.

6 PFFW argues that the violations are not knowing and willful conduct because the 2002
7 agreement was not the product of any pre-retreat planning by any officer until there was no
8 specific discussion about whether such practices complied with applicable laws or IAFF policies.
9 Submission at 14. Nevertheless, all of the PFFW officers acknowledge that they made false
10 claims for the reimbursement of expenses from fictitious “legislative meetings” as a means to
11 obtain reimbursement of FIREPAC contributions.

12 In 2008, Michael Woodzicka replaced Richard Gale as PFFW President.⁵ Submission
13 at 7. In preparation for the 2009 retreat, Woodzicka reviewed PFFW’s practices and procedures,
14 as well as IAFF legislative conference registration materials stating that contributions to
15 FIREPAC could not be reimbursed with union funds. *Id.* at 8; *see also* Woodzicka Declaration
16 at ¶ 13. Woodzicka stopped the practice of making reimbursements for non-existent meetings
17 because it was an “unwritten practice” and he believed that “there should be clear policies to
18 ensure that Executive Board members were fairly reimbursed for legitimate expenses that they

⁴ Ann Watzka, who did not become a Board Officer until 2006, does not specifically address the question of whether she ever saw any IAFF or FIREPAC materials advising against the reimbursement of FIREPAC contributions. Watzka Submission. While she states that she questioned the propriety of seeking reimbursement for fictitious expenses, she admits participating in the scheme during her one-year tenure on the Executive Board. *Id.*

⁵ When Woodzicka became president, he had been a member of the Executive Board for three years, and he admits to participating in the reimbursement scheme in 2007 and in 2008. Woodzicka Declaration at ¶ 12. Woodzicka states that he made direct contributions to FIREPAC in the amount of \$500 per year from 2002 through 2008 and also contributed to FIREPAC through payroll deductions during those years. *Id.* at ¶ 10. However, he did not seek reimbursement from PFFW for his 2002-2006 FIREPAC contributions. *Id.* at ¶¶ 14, 15.

1 actually incurred on the PFFW's behalf." *Id.* Although Woodzicka ended the practice of
2 scheduling fictitious legislative meetings in 2008, PFFW did not take any corrective action or
3 consider self-reporting the improper reimbursements for more than a year.

4 **B. 2009-2010 Reimbursements**

5 During the course of preparing this Submission, PFFW learned that it also had
6 reimbursed three Executive Board officers -- Baird, Gee, and Hanson -- for \$1,375 in FIREPAC
7 contributions made in 2009-2010. Submission at 10. Baird, Gee, and Hanson state that they
8 made \$500 contributions each to FIREPAC in March 2009 and February 2010 in connection
9 with the 2009 and 2010 IAFF legislative conferences. By making the \$500 contributions to
10 FIREPAC, IAFF waived their registration fees. However, Baird, Gee, and Hanson submitted
11 expense claims requesting reimbursement of the conference registration fees they had not
12 actually paid in order to be reimbursed for their contributions. *Id.* at 10-11; *see also* Baird, Gee,
13 and Hanson Declarations. PFFW admits that it effectively reimbursed these 2009-2010
14 FIREPAC contributions, but asserts that no Executive Board officer, other than the three officers
15 submitting the claims, was aware that the \$425 and \$475 registration fees had not been paid. *Id.*
16 at 2, 10-11.

17 **C. Corrective Actions**

18 In January 2010, Joseph Conway, an IAFF Vice-President, advised PFFW that he had
19 learned of PFFW's improper reimbursements of FIREPAC contributions, and he asked what
20 corrective actions PFFW would take. Submission at 16. In March 2010, PFFW consulted with
21 counsel and established a "Special Committee" to review the expense payment practices and
22 recommend a course of action. *Id.* After the Special Committee concluded its review, PFFW
23 sent letters on April 10, 2010, to each of the eleven past and current Executive Board officers

itemizing the amounts known to have been reimbursed between 2004 and 2008, inviting any corrections, asking for estimates of reimbursements between 2002 and 2003, and requesting repayment of all contribution reimbursements.⁶ *Id.* at 9; *see also* Submission Attachments. All eleven Executive Board officers repaid at least the specific sums requested, and some paid additional amounts to reflect 2002 and 2003 contribution reimbursements.⁷ *Id.* The chart in Section D details the repayment amounts from 2002 through 2010.

D. Summary

PFFW's payments to reimburse FIREPAC contributions are summarized below.

Executive Board Officers	Estimated Officer Reimbursement Amts. for 2002 and 2003	Officer Reimbursement Amts. for 2005-2008	Officer Reimbursement Amts. for 2009-2010	Total amt. repaid by Officers for 2002-2010
Aldrich	\$0	\$1,027.70	n/a	\$1,027.70
Baird	\$614.31	\$1,960.69	\$425	\$3,000
Drury	\$837.71	\$2,162.29	\$0	\$3,000
Gale	\$14.54	\$1,885.46	n/a	\$1,900
Gee	\$443.66	\$1,956.34	\$475	\$2,875
Haase	\$45.56	\$1,000	n/a	\$1,045.46
Hanson	\$131.11	\$2,068.89	\$475	\$2,675
Kilbano	\$354	\$0	n/a	\$354
Orlando	n/a	\$678.45	n/a	\$678.45
Watzka	n/a	\$551.20	n/a	\$551.20
Woodzicka	\$56.53	\$1,100	\$0	\$1,156.53
TOTALS				
	\$2,497.42	\$14,391.02	\$1,375	\$18,263.34

In December 2010, approximately seven months after the officers repaid the contribution reimbursements, PFFW notified the Commission of its intent to self-report. During the

⁶ PFFW is unable to provide the exact reimbursement figures for 2002 and 2003 because in 2009, it shredded its pre-2005 financial records, including the expense statements submitted by PFFW officers. Submission at 8. While PFFW has the electronic Quickbook files for those years, they only record payments and not explanations of the purposes of payments to officers or others. *Id.* PFFW asserts that it shredded documents on the advice of its accountant, the shredding had nothing to do with the expense payment practice, and it happened before the internal review. *Id.*

⁷ PFFW initially requested repayments from officers totaling \$14,193 but received a total of \$18,263.34 in repayments from those individuals. The increased amount represents the reimbursement amounts totaling \$2,497.42 from individual Executive Board officers who had their own documentation or estimates of reimbursements during 2002 and 2003 plus \$1,375 from the three officers who used other means to cause PFFW to reimburse FIREPAC contributions made in 2009-2010. *See* Section D.

1 following months, in response to inquiries from OGC, PFFW's counsel provided updates on the
2 progress of securing the cooperation of former PFFW officers and preparing its *sua sponte*
3 submission. PFFW did not file its submission until August 5, 2011.

4 **III. LEGAL ANALYSIS**

5 The Federal Election Campaign Act of 1971, as amended ("Act") prohibits a labor
6 organization from making a contribution in connection with any election and any officer of any
7 labor organization from consenting to any contribution by the labor organization. 2 U.S.C.
8 § 441b(a) and 11 C.F.R. 114.2(b) and (e).⁸ The Act further provides that "no person shall make
9 a contribution in the name of another person." 2 U.S.C. § 441f and 11 C.F.R. § 110.4(b)(i). The
10 prohibition extends to knowingly permitting one's name to be used to effect the making of a
11 contribution in the name of another or knowingly helping or assisting any person in making a
12 contribution in the name of another. 11 C.F.R. § 110.4(b)(ii) and (iii). The Commission's
13 Explanation and Justification ("E&J") states that "knowingly helping or assisting" applies to
14 "those who initiate or instigate or have some significant participation in a plan or scheme to
15 make a contribution in the name of another" E&J for 11 C.F.R. § 110.4 at 54 Fed. Reg.
16 34,105 (Aug. 17, 1989).

⁸Recently, a federal district court concluded that 2 U.S.C. § 441b(a)'s prohibition on corporate contributions was unconstitutional. See *U.S. v. Danielczyk*, 788 F.Supp.2d 472 (E.D.Va. May 26, 2011) (No. 1:11CR85 JCC), *Opinion Clarified on Denial of Reconsideration by U.S. v. Danielczyk*, --- F.Supp.2d ---, 2011 WL 2268063 (E.D.Va. June 7, 2011) (No. 1:11CR85 JCC). On June 16, 2011, the government appealed the district court's decision to the Fourth Circuit. The reasoning adopted by the district court has recently been rejected by the Ninth Circuit, see *Thalheimer v. City of San Diego*, 645 F.3d 1109, 1124-27 (9th Cir. June 9, 2011), and has no basis in the Supreme Court's decision in *Citizens United v. FEC*, 130 S.Ct. 876 (2010). See Plaintiff-Appellant United States' Opening Brief in *U.S. v. Danielczyk*, No. 11-4667, at 26-29 (4th Cir. filed Oct. 19, 2011) (*Citizens United* did not undermine, much less overrule, longstanding precedent reviewing contribution limits more permissively than independent expenditures). See also *Preston v. Leake*, --- F.3d ---, 2011 WL 5320750 (4th Cir. Nov. 7, 2011) (No. 10-2294); *Green Party of Conn. v. Garfield*, 616 F.3d 189, 199 (2d Cir. 2010); *Minnesota Citizens Concerned for Life, Inc. v. Swanson*, 640 F.3d 304, 316-19 (8th Cir. May 16, 2011) (post-*Citizens United* cases upholding the constitutionality of state laws banning political contributions from, *inter alia*, lobbyists, state contractors, and corporations).

1 The Act also addresses violations of law that are knowing and willful. *See* 2 U.S.C.
2 §§ 437g(a)(5)(B) and 437g(d). The knowing and willful standard requires knowledge that one is
3 violating the law. *Federal Election Commission v. John A. Dramesi for Congress Committee*,
4 640 F. Supp. 985, 987 (D. N.J. 1986). A knowing and willful violation may be established “by
5 proof that the defendant acted deliberately and with knowledge that the representation was
6 false.” *United States v. Hopkins*, 916 F.2d 207, 214 (5th Cir. 1990). Evidence does not have to
7 show that the defendant had a specific knowledge of the regulations; an inference of knowing
8 and willful conduct may be drawn from the defendant’s scheme to disguise the source of funds
9 used in illegal activities. *Id.* at 213-15.

10 **A. PFFW & Executive Board Officers/Conduits**

11 The expense reimbursement scheme that PFFW began in 2002 designated two days per
12 year for “legislative meetings” that never took place and allowed the Executive Board officers to
13 be reimbursed for their FIREPAC contributions by claiming expenses incurred in connection
14 with these fictional meetings. Submission at 6-7. Between 2002 and 2008, PFFW disbursed
15 \$16,888.34 to reimburse FIREPAC contributions. *Id.* at 3. In addition, between 2009 and 2010,
16 PFFW disbursed \$1,375 to reimburse FIREPAC contributions. *Id.* at 10-12.

17 It is well settled that a principal is liable for the acts of its agents committed within the
18 scope of his or her employment. RESTATEMENT (THIRD) OF AGENCY § 7.07; *U.S. v. Sun-*
19 *Diamond Growers of California*, 138 F.3d 961(D.C. Cir. 1998) (criminal convictions affirmed
20 against Sun-Diamond in connection with a corporate contribution reimbursement scheme carried
21 out by officer). Thus, PFFW violated 2 U.S.C. §§ 441b(a) and 441f and 11 C.F.R. §§ 110.4(b)(i)
22 and 114.2(b) in connection with both the 2002-2008 reimbursements and the 2009-2010
23 reimbursements.

1 The individual respondents were officers of PFFW who consented to the use of
2 prohibited labor union treasury funds to reimburse FIREPAC contributions, allowed their names
3 to be used to make these contributions, and knowingly helped or assisted in the making of
4 contributions in the names of others. While the Commission frequently takes no action as to
5 subordinate conduits responding to pressure from their employer/superior, the Commission has
6 pursued officers who consented to and assisted in the use of corporate or union funds to make
7 reimbursements.⁹ See MUR 5357 (Centex) (the Commission approved reason to believe
8 findings against the corporation and the officers for making and consenting to the use of
9 prohibited funds to make contributions in the names of others).

10 Accordingly, we recommend that the Commission find reason to believe that PFFW
11 violated 2 U.S.C. §§ 441b(a) and 441f and 11 C.F.R. §§ 110.4(b)(i) and 114.2(b) by using
12 prohibited labor union general treasury funds to make contributions in the names of others. We
13 further recommend that the Commission find reason to believe that former Executive Board
14 officers Tracey Aldrich, Robert G. Baird, Michael Drury, Richard F. Gale, John C. Gee, Troy W.
15 Haase, Lance A. Hanson, Patrick Kilbane, Len Orlando, Ann Watzka and Michael J. Woodzicka
16 violated 2 U.S.C. §§ 441b(a), 441f, and 11 C.F.R. §§ 110.4(b)(ii) and (iii) and 114.2(e) by
17 consenting to the use of prohibited labor union treasury funds to make contributions in the names
18 of others, by permitting their names to be used to make contributions in the names of others, and

⁹ There is no information that these officers were coerced into agreeing to this scheme. In fact, it appears that there were some Executive Board officers who never participated in the reimbursement scheme. The Submission states that at different times between 2002 and 2008, there were four additional Executive Board officers who did not seek reimbursement payments under the expense payment practice. Submission at 16. However, the Submission does not identify these individuals and is silent as to whether they consented to the use of the union's treasury funds to make contributions in the name of another. *Id.* Given the circumstances, including the impending statute of limitations, we are not recommending that the Commission take any action as to these four unnamed Executive Board officers.

1 by knowingly helping or assisting the PFFW in the making of contributions in the names of
2 others.¹⁰

3 **B. Knowing and Willful**

4 **1. 2002 through 2008 Reimbursement Scheme**

5 PFFW and the individual Executive Board officers concealed the 2002-2008
6 reimbursements by authorizing the officers to claim expenses for fictitious "legislative
7 meetings." PFFW and the individual officers claim there was no pre-planning or discussion
8 about whether such practices would comply with the Act or IAFF policy. But, the Executive
9 Board went to considerable lengths to conceal the reimbursements over a number of years by
10 allowing its officers to be reimbursed for expense vouchers they knew were false. PFFW
11 acknowledges that the Executive Board had the option of revising its existing policies to provide
12 for legitimate reimbursement for the officers' time and efforts. Submission at 7. Instead, it
13 chose a false method to reimburse itself for the FIREPAC contributions. Thus, even if
14 Respondents were not aware of the Act's specific prohibitions, Respondents' use of fictitious
15 "legislative meetings" to conceal the reimbursements strongly suggests they knew that the
16 reimbursements were improper. *United States v. Hopkins*, 916 F.2d 207, 214 (5th Cir. 1990).

17 Accordingly, we recommend that the Commission find that PFFW's violations of
18 2 U.S.C. §§ 441b(a) and 441f from 2002 to 2008 were knowing and willful. Similarly, we
19 recommend that the Commission find that the individual Executive Board officers' violations of
20 2 U.S.C. §§ 441b(a) and 441f from 2002 to 2008 were knowing and willful.

¹⁰ The Submission notes that PFFW provided FIREPAC with a copy of its submission document and that PFFW and the Executive Board officers have waived the right to any refunds of the FIREPAC contributions. Submission at 17. Based on available information that FIREPAC had no knowledge of the reimbursement scheme until after it ended, we make no recommendation as to FIREPAC.

2. **2009 and 2010 Contribution Reimbursements**

PFFW Executive Board officers Baird, Gee, and Hanson concealed the 2009-2010 contribution reimbursements by claiming to have paid IAFF conference registration fees that had actually been waived as a result of the FIREPAC contributions. Although Baird, Gee, and Hanson did not pay the fees, they appear to have believed that they were entitled to reimbursement of registration fees IAFF waived as a result of the FIREPAC contributions nominally made from their personal funds. *See* Baird Declaration at ¶ 20, Gee Declaration at ¶ 22, and Hanson Declaration at ¶ 20.

PFFW's decision in late 2008 to stop the "legislative meetings" reimbursement scheme should have put these three officers on notice that the FIREPAC contributions could not be reimbursed. The three officers have offered no reasonable explanation for their conduct. *See* Baird, Gee, and Hanson Declarations. Further, although the reimbursements were not approved by the full Executive Board, the knowledge of the three officers can be imputed to PFFW. *See Sun Diamond Growers of California*, 138 F.3d 961 (D.C. Cir. 1998).

Based on the foregoing, the Commission could find that the actions of the Executive Board officers, which also can be imputed to PFFW, constitute knowing and willful conduct. However, taking into consideration that the scheme lacked the planning of the 2002-2008 scheme, that the full Executive Board was not aware that it was, in essence, reimbursing the FIREPAC contributions made by Baird, Gee, and Hanson, and being mindful of the Commission's policy encouraging *sua sponte* submissions by showing leniency where appropriate, we would recommend that the Commission make only non-knowing and willful findings for the 2009-2010 contributions. *See* 72 Fed. Reg. 16,695, 16,696 (Apr. 5, 2007).

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Accordingly, we recommend that the Commission find reason to believe that PFFW, Baird, Gee, and Hanson violated 2 U.S.C. §§ 441b(a) and 441f and 11 C.F.R. §§ 110.4(b)(i)-(iii) and 114.2(b) and (c) in connection with the 2009-2010 reimbursements.

**Pre-MUR 525 (PFFW)
First General Counsel's Report**

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**Pre-MUR 525 (PFFW)
First General Counsel's Report**

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**Pre-MUR 525 (PFFW)
First General Counsel's Report**

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**Pre-MUR 525 (PFFW)
First General Counsel's Report**

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13 **V. RECOMMENDATIONS**

14 1. Open a Matter Under Review.

15

16 2. Find reason to believe that Professional Fire Fighters of Wisconsin knowingly and
17 willfully violated 2 U.S.C. §§ 441b(a) and 441f and 11 C.F.R. §§ 110.4(b)(i) and
18 114.2(b) regarding the 2002-2008 activity.

19

20 3. Find reason to believe that Professional Fire Fighters of Wisconsin violated
21 2 U.S.C. §§ 441b(a) and 441f and 11 C.F.R. §§ 110.4(b)(i) and 114.2(b) regarding
22 the 2009-2010 activity.

23

24 4. Find reason to believe that Tracy Aldrich, Robert G. Baird, Michael Drury,
25 Richard F. Gale, John C. Gee, Troy W. Haase, Lance A. Hanson, Patrick Kilbane,
26 Len Orlando, Ann Watzka, and Michael J. Woodzicka knowingly and willfully
27 violated 2 U.S.C. §§ 441b(a) and 441f and 11 C.F.R. § 110.4(b)(ii), (iii) and
28 114.2(e) regarding the 2002-2008 activity.

29

Pre-MUR 525 (PFFW)
First General Counsel's Report

5. Find reason to believe that Robert G. Baird, John C. Gee, and Lance A. Hanson, violated 2 U.S.C. §§ 441b(a) and 441f and 11 C.F.R. §§ 110.4(b)(ii), (iii) and 114.2(e) regarding the 2009-2010 activity.
- 6.
7. Approve the attached Factual and Legal Analyses;
- 8.
9. Approve the appropriate letters.

11/23/11
Date

Anthony Herman
General Counsel

Stephen Gura
Stephen Gura
Deputy Associate General Counsel
for Enforcement

Mark D. Shonkwiler
Mark D. Shonkwiler
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Kimberly D. Hart
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